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There are criminals of genius; some are honored by the world. They are egotistical monsters; if possessed with power, they commit crimes under other names; the slang of the criminal is rich in words for drunkenness, wine and money; educated men among criminals are rare. In the majority the notion of the act is so persistent as in a certain measure to take away legal responsibility. In many impulsiveness is sudden and irresistible; onanism and sodomy are common. Recidivists are increasing in number. The physiognomic characteristics are in general: small cranial dimensions, receding forehead, absence of beard, abundance of hair and dull eye, (women criminals are almost always homely); thick lips, projecting eyes and large jaws. These characteristics, while common, are by no means absolute. An individual always considered of sound mind, who does things, the motive of which is inexplicable or out of proportion to his appetites, is to be regarded rather as insane than criminal. In delicate and disputed cases those with most experience and intelligence should decide, and not the jury. Among the cases of doubtful criminality are giddy, epileptic, hysterical women with hereditary taint, who, commencing with eccentricities, go into crime. The legislative idea of premeditation is to be replaced by that of the degree of intensity or duration of the solicitation. Criminals from sudden passion are more excusable than those who commit crime under the influence of drunkenness by alcohol, ether, morphine or hashish; for the latter, although far less conscious of their deeds, know that these drugs expose them to such acts. The highest grade of criminals are so by profession, who are knowingly and deliberately rebellious against society. The last class are the false-honest men, who, by the cloak of wealth, power, position or honor, utilize society solely for their own disordered appetites.

Rejecting the criminal type in the sense of anthropological unification, the author believes that the cerebral inferiority of the criminal has its origin in a sort of arrest of development in childhood. Admitting a subordination to the acts of the organization, and the want of liberty society should not punish the less, as it is her only way to maintain herself; but should keep within the strict limits of self-defence. The death penalty is a relic of barbarism; the ideal is not repression, pain for pain. A wise code should reprimand by bettering, not by destroying; it should diminish the intensity of the solicitations to crime; it should remember that society is in a great measure the cause of criminality. The author, while stating his own views without reserve, shows a broad spirit towards the views of others; on the whole he is not extreme, but takes a medium course. The first part of his book, which treats of the physical organization, we regard as the most valuable.

L'Homme criminel, étude anthropologique et médico-légale par CESARE LOMBROSO, traduit sur la IV^e édition italienne, avec préface par M. Letourneau. Paris, 1887. pp. 682.

The first motive in our savage ancestors was the necessity of self-defense, reflex action, blow for blow. In plants we find the equivalents of crime, in the case of certain species which entrap and kill insects. In animals acts are more similar to those of man, are more mechanical, having slight traces in consciousness. In men continual aggressions gave rise to balancing wrongs, and vengeance appeared, giving the law of primitive justice, retaliation, which became a duty. But as some of the particulars of this law were overlooked, the legal power became a sort of revindication; the punishments were of the most cruel nature. To-day there is a vague feeling, an echo of ancient retaliation in our punishments. If punishment rests on free will, the worst men, the criminals by nature, should have a very light punishment or none. Penal repression should be based on social utility scientifically

demonstrated; instead of studying law texts, we need to study the criminal. The criminal by nature has a feeble cranial capacity, a heavy and developed jaw, a large orbital capacity, projecting superciliary ridges, an abnormal and asymmetrical cranium, a scanty beard or none, but abundant hair, projecting ears, frequently a crooked or flat nose. Criminals are subject to Daltonism; lefthandedness is common; their muscular force is feeble. Alcoholic and epileptical degeneration exists in a large number. Histologically, their nerve-centers are frequently pigmented. They blush with difficulty. Their moral degeneration corresponds with their physical, their criminal tendencies are manifested in infancy by onanism, cruelty, inclination to steal, excessive vanity, impulsive character. The criminal by nature is lazy, debauched, cowardly, not susceptible to remorse, without foresight; fond of tattooing; his hand-writing is peculiar, signature complicated and adorned with flourishes; his slang is widely diffused, abbreviated and full of archaisms. In their associations they return to primitive social forms. The general cause of the persistence of an inferior race-type is atavistic. As the born criminal is without remedy he must be continually confined, and allowed no provisional liberty or mercy; the ancient tradition of vigorous initiatives should be upheld; the more we diminish individual responsibility, the more we increase that of society, which is still more severe. Nature is responsible for the born criminal, society (in a great measure) for the criminal by occasion.

The work is full of facts, it shows the sincerity and patience of the author, who is an expert experimenter, and a person of philosophical acuteness. He has given an extensive description of the born criminal considered physically, morally and intellectually. The author seems to us to go too far in holding to the incorrigibility of the born criminal, and in not allowing him provisional liberty; the incurability of the recidivist is pushed too far, for neither of these positions are supported by a sufficient number of scientific facts.

La Criminologie, étude sur la nature du crime et la théorie de la pénalité, par R. GAROFALO, agrégé de l'université de Naples. Paris. 1888. pp. 420.

The science of pœnology must not rest on the idea of freedom, which is in contradiction with scientific facts; on the idea of freedom the hardest criminal should go free as he has least control over his acts. The pœnological criterion is social necessity, abandoning the idea of moral responsibility of the individual. The present system has neither cured, nor terrified the prisoner; after his sentence is served, he is as dangerous as ever. The laws should be changed so as to be in accordance with criminological facts. Crime is a harmful action, that injures at the same time the moral sense of aggregate humanity. Murder, parricide, infanticide, robbery have not always been crimes; but the analysis of the sentiments and not of actions is the basis for a criterion. The race possesses innate moral instincts as it does a physical type; when the moral sense becomes psychical, it is subject to alterations, diseases, can be lost or wanting, a parallel to any other organic monstrosity. The moral sense of aggregate humanity consists only in the altruistic sentiments which can be reduced to benevolence and justice. A crime is the violation of the elementary altruistic sentiments of pity and probity. In Europe the relative increase of crime has advanced with civilization which shows that the present methods are almost a failure. Punishments have become less severe; moral responsibility is more considered and capital punishment is rare.

A criminal type is as well established as an Italian type; not a single characteristic constantly distinguishes this type, but the proportion of congenital anomalies is larger in any given number of criminals than in